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Washington, Tuesday, June 14, 1938

The President

EXCLUDING CERTAIN LANDS FROM THE CORONADO NATIONAL FOREST AND ADDING THEM TO THE CHIRICAHUA NATIONAL MONUMENT—ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that the herein-after-described lands comprising a part of the Coronado National Forest, in the State of Arizona, are adjacent to the Chiricahua National Monument, established by proclamation dated April 18, 1924, and are required for the proper care and management of the objects of historic and scientific interest being protected by the said monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in the State of Arizona are hereby excluded from the said Coronado National Forest and are hereby added to and made a part of the said Chiricahua National Monument:

GILA AND SALT RIVER MERIDIAN—ARIZONA

T. 16 S., R. 29 E.,
sec. 22, all,
sec. 23, all, partly unsurveyed,
sec. 24, N $\frac{1}{2}$, unsurveyed,
sec. 25, all, unsurveyed,
sec. 26, all,
sec. 27, N $\frac{1}{2}$;
T. 17 S., R. 29 E.,
sec. 1, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
sec. 2, N $\frac{1}{2}$;
T. 16 S., R. 29 $\frac{1}{2}$ E., sec. 13, S $\frac{1}{2}$;
T. 17 S., R. 29 $\frac{1}{2}$ E., sec. 1, N $\frac{1}{2}$, unsurveyed;
T. 16 S., R. 30 E.,
sec. 18, S $\frac{1}{2}$,
sec. 19, E $\frac{1}{2}$,
sec. 30, E $\frac{1}{2}$,
sec. 31, E $\frac{1}{2}$,
sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$;

T. 17 S., R. 30 E.,
sec. 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, unsurveyed,
sec. 6, N $\frac{1}{2}$, unsurveyed;
containing approximately 6,407 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this tenth day of June in the year of our Lord nineteen hundred and thirty-[SEAL] eight, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2288]

[F. R. Doc. 38-1676; Filed, June 13, 1938;
12:38 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT COMMODITY CREDIT CORPORATION

[1937 Corn Circular Letter No. 4]

AMENDMENT TO INSTRUCTIONS CONCERNING THE MAKING OF CORN LOANS

MARCH 15, 1938.

Loans to producers under the 1937-38 corn loan program will be available

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after March 31, 1938 and until further notice.

The Corporation's printed Instructions (1937-38 C. C. C. Corn Form 1) and 1937 Corn Circular Letter No. 3, issued under date of March 1, 1938,¹ are amended accordingly.

JOHN D. GOODLOE,
Vice President.

[F. R. Doc. 38-1671; Filed, June 13, 1938;
9:50 a. m.]

[1938 Wool Circular Letter No. 2]

AMENDMENT TO INSTRUCTIONS CONCERNING LOANS ON SECURITY OF WOOL OR MOHAIR REPRESENTED BY WAREHOUSE RECEIPTS

MAY 13, 1938.

The instructions (1938 CCC Wool Form 1)² issued by Commodity Credit

¹ 3 F. R. 147 (DI).

² 3 F. R. 1181 (DI).

Corporation provide that all wool and mohair pledged as security to notes must be appraised by appraisers employed by Commodity Credit Corporation. Said instructions are hereby amended to provide that all notes submitted on 1938 CCC Wool Forms A, B and C must be dated not later than thirty (30) days after the date of the Appraiser's Certificate (1938 CCC Wool Form D) covering the wool or mohair pledged as security therefor.

The appraisers of Commodity Credit Corporation will not reappraise any wool or mohair which has once been appraised for the Corporation.

COMMODITY CREDIT CORPORATION,
By S. H. SABIN, Secretary.

[F. R. Doc. 38-1672; Filed, June 13, 1938;
9:50 a. m.]

TITLE 7—AGRICULTURE BUREAU OF AGRICULTURAL ECONOMICS

AMENDMENTS TO REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE UNITED STATES WAREHOUSE ACT

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 U. S. Stat. L., pp. 446, 486) as amended, I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish and give public notice of the following amendments to the regulations of the Secretary of Agriculture for Warehousemen Storing Cotton, Grain, Wool, Tobacco, Nuts, Broomcorn, Dry Beans, Sirup, Dried Fruit, Canned Foods, Cottonseed, Cold Pack Fruit, Seeds, and Cherries in Sulphur Dioxide Brine,¹ promulgated under said Act, such amendments to be effective immediately:

In Regulation 6, Sections 3 and 4, strike out the words, "Disbursing Clerk, Department of Agriculture" wherever they appear and insert in lieu thereof, "Treasurer of the United States."

In Regulation 9, Section 9 of the Regulations for Cotton Warehouses, strike out "Disbursing Clerk, Department of Agriculture" and insert in lieu thereof, "Treasurer of the United States."

In Regulation 9, Section 13, Paragraphs 1 and 2 of the Regulations for Warehousemen Storing Grain, strike out "Disbursing Clerk, Department of Agriculture" and insert in lieu thereof, "Treasurer of the United States."

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be

¹ SRA No. 126, Cotton; SRA 127, Grain; SRA No. 128, Wool; SRA 129, Tobacco; SRA 119, Nuts; SRA 84, Broomcorn; SRA 130, Dry Beans; SRA 89, Sirups; SRA 88, Dried Fruit; SRA 132, Canned Foods; SRA 102, Cottonseed; SRA 111, Cold Pack Fruit; SRA 122, Seeds; and SRA 134, Cherries in Sulphur Dioxide Brine.

hereunto affixed in the City of Washington, this 10th day of June, 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1668; Filed, June 11, 1938;
12:47 p. m.]

TITLE 20—FISH AND GAME

BUREAU OF BIOLOGICAL SURVEY ORDER RELATING TO THE KILLING OF CERTAIN DEPREDATEING MIGRATORY BIRDS

Investigations having been made by the Department of Agriculture to determine the nature and extent, if any, of injury to agricultural or other interests by migratory birds included in the terms of the convention with Great Britain for the protection of birds migrating between Canada and the United States and included in the terms of the convention with Mexico for the protection of birds migrating between the United States and Mexico, and it having been found and determined that certain groups or species of migratory birds, to wit: loons, grebes, herons, bitterns, waterfowl, sandhill cranes, coots, gulls, terns, pigeons, doves, martins, woodpeckers, larks, mockingbirds, catbirds, waxwings, shrikes, meadowlarks, orioles, blackbirds, grackles, bobolinks, robins, and sparrows, are, or are likely to become, under extraordinary conditions in particular communities seriously injurious to agricultural or other interests, and it having been determined, further, that to check or abate such injury it may become necessary to kill the birds committing or about to commit such injury.

Therefore, by virtue of authority conferred upon the Secretary of Agriculture by the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936, 49 Stat. 1555, and pursuant to regulation 10 of the Migratory Bird Treaty Act Regulations of July 30, 1937 (2 F. R. 1615),

It is ordered, That the Chief of the Bureau of Biological Survey, United States Department of Agriculture, or, when authorized by said Chief of Bureau, the regional directors of said Bureau, in their respective regions, upon ascertainment of any serious injury in any particular community, may issue permits to kill any specified species of the aforesaid birds found, under extraordinary conditions, to be committing or about to commit such injury in such community, such permits to be effective during the period therein specified and subject to the following conditions, restrictions, and requirements, and such others as the issuing officer may deem necessary to include in the permit to guard against abuses thereof:

1. No permit shall be effective to authorize the killing of any bird unless such permit is countersigned by the

Chief Game Official, or by his authorized representative, of the State in which the permit is operative, or unless the permittee is in possession of a permit from such Chief Game Official, or his authorized representative, permitting such killing.

2. The permission conferred by any permit is nontransferable and may be exercised solely by those named in the permit and on the premises specified.

3. Birds authorized to be killed under any permit shall not be shot at or killed by shooting (1) from any blind, sink, pit, or any other device or means of concealment, whether natural or artificial, movable or stationary, or on land or water; (2) by means of any gun larger than No. 10 gage, or of any gun to which a silencer has been attached or otherwise affixed, or, if game birds, by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined; or (3) by the use of decoys of any description or of traps or nets of any kind.

4. Every bird killed pursuant to a permit, and every part thereof, shall be totally destroyed as promptly as possible and shall not be sold or offered for sale or be shipped, transported, or carried in any manner except for the purpose of destruction in the immediate vicinity where killed, but such birds or parts thereof may be shipped or transported as a gift, but not for sale, to public, scientific, or educational institutions for scientific purposes; the birds may be requisitioned for scientific purposes by the officer issuing the permit; and, when specifically authorized by the permit, game birds so killed may be donated to charitable institutions for food. All packages containing such birds or parts thereof when shipped or transported as permitted by the permit shall be plainly and clearly marked to show the names and addresses of the shipper and consignee, the number of the permit, and the species and number of each species contained therein.

5. The permittee shall keep a record of the species and number of each of all birds killed by him, and whenever requested by the Chief of the Bureau or by the regional director, shall submit promptly a report thereof, and in any event shall submit such report to the regional director on or before January 10 of each year.

6. The permittee shall at all reasonable times, and particularly during any operations authorized by the permit, allow any Federal or State game or deputy game agent, warden, protector, or other game-law enforcement officer free and

unrestricted access to the premises on which such operations have been or are being conducted and shall promptly furnish such officer all such information regarding his operations as such officer shall require.

7. A permit is revocable at any time in the discretion of the Secretary of Agriculture or the officer who issued it and when revoked shall be surrendered by the permittee promptly upon demand of said Secretary or of such officer or his authorized representative.

It is further ordered, That all orders heretofore issued by the Secretary of Agriculture authorizing the killing of migratory birds for the protection of agricultural or other interests, except the order of June 5, 1937, permitting the killing of red-winged, yellow-headed, and Brewer's blackbirds, meadowlarks, horned larks, Gambel's, Nuttall's golden-crowned, white-crowned, and other crowned sparrows, goldfinches, and juncos in California when necessary to protect crops from their depredations, and the order of November 17, 1937 (2 F. R. 2915) permitting the shooting of yellow-headed, red-winged, bicolor red-winged, tricolor red-winged, and Brewer's blackbirds and boat-tailed grackles by the owner or custodian of any agricultural crop or of ornamental or shade trees, are hereby revoked, effective 30 days from the publication of this order in the FEDERAL REGISTER, but such revocation shall not affect any outstanding permit issued under any such order, and such permit shall remain in force and effect until the expiration thereof as specified therein.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

JUNE 10, 1938.

[F. R. Doc. 38-1669; Filed, June 11, 1938;
12:47 p. m.]

ORDER PERMITTING FISHING ON THE MOOSEHORN MIGRATORY BIRD REFUGE, MAINE

Pursuant to regulations 2 and 3 of the regulations of the Secretary of Agriculture of November 23, 1937,¹ governing the administration of National wildlife refuges under the jurisdiction of the Bureau of Biological Survey and in accordance with the provisions of said regulations, it is hereby ordered until further notice that fish may be taken for noncommercial purposes when and as permitted by the laws and regulations of the State of Maine from the waters of the Moosehorn Migratory Bird Refuge as established by Executive Order No. 7650, dated July 1, 1937,² subject to the following conditions and restrictions:

¹ 2 F. R. 2951 (DI).

² 2 F. R. 1377 (DI).

1. *Waters open to fishing.*—The following waters of the Refuge are hereby designated as areas open to fishing and fishing will not be permitted in any other waters unless and until further ordered: Moosehorn Stream from Penamaquan Crossing on the Charlotte Road southerly to the south boundary of the Refuge; Cranberry Brook from the dam southeasterly to Moosehorn Stream; Mahar Brook; Maguerrewock Stream; Little (Bearce's) Lake; James Pond; and Ledge Pond.

2. *State fishing laws.*—Every person who fishes in any of the aforesaid waters under the aforesaid conditions must comply with the applicable fishing laws and regulations of the State of Maine and in the absence of any State law or regulation in respect to fishing seasons and number and size of fish that may be taken, the Chief of the Bureau of Biological Survey of the United States Department of Agriculture, may fix such seasons and limits; and in the event he shall find that fishing in any of the aforesaid waters is unduly depleting any species of fishes therein, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of Agriculture.

3. *Fishing permits.*—No person is permitted to fish in the aforesaid waters until he has obtained a permit from the officer in charge, which permit shall be limited to the period specified therein, and such officer will not issue a permit until the applicant therefor exhibits to him a valid State fishing license issued to such applicant if such license is required by State law or regulation. The permit must be carried on the person of the permittee when exercising the privileges thereunder and must be exhibited upon request to any Federal or State officer authorized to enforce Federal and/or State fishing laws and regulations or laws and regulations applicable to the Refuge, provided that fishing shall be done in such manner as will not interfere with the objects for which the Refuge was established.

4. *Firearms and fires.*—The carrying or being in possession of firearms of any description or the lighting of fires for any purpose by permittees hereunder while on such Refuge is not permitted. Special care must be observed by such permittees to prevent lighted matches, cigars, cigarettes or pipe ashes from being dropped in grass or other inflammable material.

5. *Routes of travel.*—Persons entering the Refuge for the purpose of reaching waters thereof open to fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the Refuge and shall not enter upon any other portion of the Refuge other than said open waters and areas immediately adjacent thereto.

In testimony whereof I have hereunto set my hand and caused the official seal

of the United States Department of Agriculture to be affixed in the City of Washington, this 11th day of June 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1679; Filed, June 13, 1938;
12:39 p. m.]

TITLE 21—FOOD AND DRUGS

BUREAU OF NARCOTICS

[Regulations No. 3]

TAX ON OPIUM MANUFACTURED IN THE UNITED STATES FOR SMOKING PURPOSES

JOINT SMOKING OPIUM REGULATIONS MADE BY THE COMMISSIONER OF NARCOTICS AND THE COMMISSIONER OF INTERNAL REVENUE WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY

Effective Date, June 1, 1938

THE LAW

[In the original document, here follows the text of the Act of January 17, 1914 (38 Stat. 277; 26 U. S. C. 1057-61); Sections 1, 4 (a) and (b) of the Act of March 3, 1927 (44 Stat. 1381; 5 U. S. C. 281 c; 26 U. S. C. 1063-4); Sections 1 and 3 (b) of the Act of June 14, 1930 (46 Stat. 585; U. S. C. 282-282b (b); 26 U. S. C. 1064.)]

[T. D. 1]

ORDER OF THE SECRETARY OF THE TREASURY PRESCRIBING THE DUTIES AND POWERS OF THE COMMISSIONER AND OTHER OFFICERS AND EMPLOYEES OF THE BUREAU OF PROHIBITION, * * *

APRIL 1, 1927.

In pursuance of the authority conferred upon the Secretary of the Treasury by the above act, it is hereby ordered as follows:

VII. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED ON THE COMMISSIONER OF PROHIBITION RELATING TO NARCOTIC DRUGS

(1) There are hereby conferred and imposed upon the Commissioner of Prohibition, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers, and duties conferred or imposed upon the Commissioner of Internal Revenue (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the above act of March 3, 1927) by the Harrison narcotic act, as amended, or by the act entitled "An act regulating the manufacture of smoking opium within the United States and for other purposes," approved January 17, 1914, in so far as such rights, privileges, powers, and duties relate to—

(a) The investigation and the detection and punishment of violations of either of the above laws, or any regulations issued thereunder;

(b) Exemptions from any of the provisions of the above laws;

(c) The books, records, and returns required to be kept or rendered, under any of the above laws;

(d) The prescribing of forms and order forms under any of the above acts;

(e) The manner in which the record of sales, exchanges and gifts of tax-exempt preparations and remedies containing narcotic drugs shall be kept;

(f) The manner in which application shall be made for confiscated narcotic drugs;

(g) The appointment of a committee for the certification and disposition of confiscated narcotic drugs;

(h) The compromise of any civil or criminal case under either of the above laws in accordance with section 3229 of the Revised Statutes, except that all moneys shall be received and accounted for by the collectors of internal revenue, under the direction of the Commissioner of Internal Revenue;

(i) Seizures, for violation of either of the above laws, of property, whether real or personal (except under distraint warrant), and the custody, control, sale, and disposition of property so seized;

(j) The appointment of such officers and employees as may be necessary for the execution of the functions imposed upon the Bureau of Prohibition relating to narcotic drugs.

(2) Power is hereby conferred upon the Commissioner of Prohibition to prescribe such regulations as he may deem necessary for the execution of the functions imposed upon him or upon the officers or employees of the Bureau of Prohibition relating to narcotic drugs, but all regulations and changes in regulations shall be subject to the approval of the Secretary of the Treasury.

VII. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE OFFICERS AND EMPLOYEES OF THE BUREAU OF PROHIBITION, INCLUDING THE FIELD SERVICE OF THE BUREAU OF PROHIBITION, RELATING TO NARCOTIC DRUGS

There are hereby conferred and imposed upon the officers and employees of the Bureau of Prohibition, including the agents, inspectors and other employees in the field service of the Bureau of Prohibition, all the rights, privileges, powers, and duties conferred or imposed upon the assistants, agents, and inspectors of the Commissioner of Internal Revenue (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the above act of March 3, 1927) by either of the laws referred to in Section VI of this order, in so far as such rights, privileges, powers, and duties relate to any of the matters referred to in paragraphs (a) to (j), inclusive, of such section. All such officers and employees of the Bureau of Prohibition, including the agents, inspectors, and other employees in the field service of the Bureau of Prohibition, shall have, in the performance of their functions under the narcotic drug laws, all the rights, privileges, and powers of internal-revenue officers.

VIII. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF INTERNAL REVENUE

There are hereby conferred and imposed upon the Commissioner of Internal Revenue all the rights, privileges, powers, and duties conferred or imposed upon such officer (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the above act of March 3, 1927) by any law, except the rights, privileges, powers, and duties conferred or imposed upon any other person by Sections IV, V, VI, or VII of this order, but not exception rights, privileges, powers, and duties relating to internal-revenue taxes where no violation of a law relating to the enforcement of the eighteenth amendment is involved. All regulations and changes in regulations shall be subject to the approval of the Secretary of the Treasury. * * *

[T. D. 2]

ORDER OF THE SECRETARY OF THE TREASURY PRESCRIBING THE DUTIES AND POWERS OF THE COMMISSIONER AND OTHER OFFICERS AND EMPLOYEES OF THE BUREAU OF NARCOTICS, * * *

JULY 1, 1930.

In pursuance of the authority conferred upon the Secretary of the Treasury by the

act entitled "An Act To create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, as amended, it is hereby ordered as follows:

III. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF NARCOTICS

(1) There are hereby conferred and imposed upon the Commissioner of Narcotics, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers, and duties conferred or imposed upon the Commissioner of Internal Revenue (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the act of March 3, 1927) by the act of December 17, 1914, as amended, known as the Harrison Narcotic Law, or by the act entitled "An Act regulating the manufacture of smoking opium within the United States and for other purposes," approved January 17, 1914, in so far as such rights, privileges, powers, and duties relate to—

(a) The investigation and the detection and punishment of violations of either of the above laws or any regulations issued thereunder;

(b) Exemptions from any of the provisions of the above laws;

(c) The books, records, and returns required to be kept or rendered under any of the above laws;

(d) The prescribing of forms and order forms under any of the above acts;

(e) The manner in which the record of sales, exchanges, and gifts of tax-exempt preparations and remedies containing narcotic drugs shall be kept;

(f) The manner in which application shall be made for confiscated narcotic drugs;

(g) The appointment of a committee for the certification and disposition of confiscated narcotic drugs;

(h) The compromise of any criminal or civil case arising under either of the above laws, in accordance with section 3229 of the Revised Statutes of the United States, and the determination, assertion, and compromise of liability for internal-revenue taxes and penalties under either of the above laws, except that all moneys shall be received and accounted for by collectors of internal revenue, under the direction of the Commissioner of Internal Revenue;

(i) Seizures, for violation of either of the above laws, of property, whether real or personal (except under distraint warrant), and the custody, control, sale, and disposition of property so seized;

(j) The appointment of such officers and employees as may be necessary for the execution of the functions imposed upon the Bureau of Narcotics.

(2) Power is hereby conferred upon the Commissioner of Narcotics to prescribe such regulations as he may deem necessary for the execution of the functions imposed upon him or upon the officers or employees of the Bureau of Narcotics, but all regulations and changes in regulations shall be subject to the approval of the Secretary of the Treasury.

The Commissioner of Internal Revenue and the Commissioner of Narcotics may, if they are of the opinion that the good of the service will be promoted thereby, prescribe regulations relating to internal-revenue taxes where no violation of the narcotic laws is involved, jointly, subject to the approval of the Secretary of the Treasury.

IV. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE OFFICERS AND EMPLOYEES OF THE BUREAU OF NARCOTICS, INCLUDING THE FIELD SERVICE

There are hereby conferred and imposed upon the officers and employees of the Bureau of Narcotics, including the agents, inspectors, and other employees in the field service, all the rights, privileges, powers, and duties conferred or imposed upon the assistants, agents, and inspectors of the Commissioner of Internal Revenue (and which are

transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a), of section 4 of the act of March 3, 1927), by any narcotic law in so far as such rights, privileges, powers, and duties relate to any of the matters referred to in paragraphs (a) to (j), inclusive, of Section III of this order. All such officers and employees of the Bureau of Narcotics, including the agents, inspectors, and other employees of the field service, shall have, in the performance of their functions under the narcotic drug laws, all the rights, privileges, and powers of internal revenue officers.

V. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF INTERNAL REVENUE

There are hereby conferred upon the Commissioner of Internal Revenue all the rights, privileges, powers, and duties conferred or imposed upon such officer (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the act of March 3, 1927) by any narcotic law, except such rights, privileges, powers, and duties as are hereinbefore conferred or imposed upon the Commissioner of Narcotics.

REGULATIONS

ART. 1. Taxing of smoking opium.—All opium suitable for smoking purposes, prepared from crude gum opium or from any preparation thereof, or from the residue of smoked or partially smoked opium commonly known as *yen shee*, or from any mixture of the above or any of them, is subject to tax when produced and sold, or offered for sale, or kept for sale or consumption, by the producer or others. The tax is at the rate of \$300 per pound and is payable by the manufacturer. In addition, every manufacturer of smoking opium is required to register, pay special tax, and otherwise comply with the Act approved December 17, 1914, commonly known as the Harrison Narcotic Act, as amended, and the provisions of any regulations issued in pursuance thereof.

ART. 2. "Manufacturer" defined.—Every person who prepares opium suitable for smoking purposes from crude gum opium, or from any preparation thereof, or from the residue of smoked or partially smoked opium, commonly known as *yen shee*, or from any mixture of the above, or any of them, shall be regarded as a manufacturer of smoking opium. To be legally entitled to manufacture smoking opium a person must be a citizen of the United States and shall have given the required bond (see Art. 6).

ART. 3. Proof of citizenship.—Every person who proposes to engage in the manufacture of smoking opium or of opium for smoking purposes shall, before commencing operations, file with the collector of internal revenue for the district in which it is proposed to operate record evidence, which must satisfy the proper officers of the Government, including the collector, that he is a citizen of the United States.

ART. 4. Manner of tax payment.—The tax on smoking opium is paid by attachment of stamps. Stamps for packages of four, eight or sixteen ounces will be furnished for the payment of the inter-

nal revenue tax on opium manufactured for smoking purposes. As to attachment of stamps see Art. 13 (c).

All opium manufactured, prepared or suitable for smoking purposes, shall be put up by the manufacturer in packages containing four, eight, or sixteen ounces each, net weight.

ART. 5. Notice required.—Every person, before commencing the manufacture of smoking opium, shall furnish to the collector of the district, without previous demand, a notice, in duplicate, and subscribed under oath, on Form 268, accurately setting forth the place where manufacture is to be carried on and the number and kind of utensils, machines, or other apparatus, kept on the premises for use in the manufacture of smoking opium. Upon any change of location or other conditions evidenced by a notice, another notice setting forth the change shall be filed forthwith.

ART. 6. Bond required.—Every manufacturer of smoking opium shall, before commencing business, furnish to the collector of the district a bond on Form 269 with sureties, and in a penal sum, not less than \$100,000, satisfactory to the collector. There shall be not less than three personal sureties, each of whom shall qualify in the full amount of the bond. The sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue. The description in the bond of the factory premises and the utensils or machines must coincide with the notice on Form 268. The liability on such bond shall continue until cancellation by the Government. Such cancellation may occur when operations are discontinued and all liabilities satisfied or a new bond is accepted.

ART. 7. Collector's certificate.—The collector, on receiving the notice on Form 268 and approving the bond of a manufacturer of smoking opium, shall issue to him a certificate on Form 270 which will specify the penal sum of the bond furnished. This certificate shall contain a transcript from the manufacturer's notice (Form 268), giving an accurate description of the factory premises. This certificate must be posted by the manufacturer in a conspicuous place within his manufactory.

ART. 8. Type of premises required.—The premises of a manufacturer of smoking opium (to be described in his notice and bond on Forms 268 and 269, respectively) must be at least an entire room, walled off completely from all other parts of the building. The premises must be so situated that they can be constantly under the surveillance of internal revenue officers and agents. Two manufacturers of smoking opium are not permitted to occupy the same premises at the same time. No such manufacturer will be permitted to operate more than one factory within the same premises, nor to have more than one factory num-

ber for each factory, nor on such premises to carry on any business deemed to be incompatible with the business of manufacturing smoking opium.

ART. 9. Sign required.—Every manufacturer of smoking opium shall put up in a conspicuous place on the outside of the factory building, a sign (in the English language), with letters thereon not less than three inches in length, painted in oil colors or gilded, showing his full name, business, factory number, the number of the district, and the State.

ART. 10. Records required.—Every manufacturer of smoking opium shall keep a book, which shall conform to Form 271, and shall enter therein daily an accurate account of the quantity of crude gum opium (which shall include all forms, preparations, or derivatives thereof suitable for manufacturing opium for smoking purposes) and other materials purchased and sold, with the name and address of each person from whom purchased or to whom sold and, if articles sold are shipped or delivered to some other person, the name of such other person and the place of delivery; the sizes of the packages, and the number of packages of each size purchased and sold; the total quantity of prepared smoking opium (a) manufactured, (b) sold, and (c) removed tax paid; and the number and value of stamps purchased and used. This book shall be kept at the manufacturer's place of business and shall be open at all hours to the inspection of any internal revenue officer or agent.

ART. 11. Inventories required.—Every manufacturer of smoking opium shall, at the time of commencing business, on the first day of January of each year thereafter, and at the time of concluding business if other than the first day of January, make and deliver to the collector a true inventory on Form 272 of the quantity of opium, in whatever unmanufactured form it may be, other materials, manufactured smoking opium, and number and value of stamps on hand. The inventory shall show the *actual*, not the *estimated*, and the *net* not *gross*, weights and numbers of materials and articles on hand at the time the inventory is made. Each such inventory shall be verified by a deputy collector who shall make personal examination of the stock to satisfy himself of the correctness of the inventory, and the verification shall be evidenced by the sworn endorsement of the deputy collector.

ART. 12. Monthly returns required.—On or before the tenth day of each calendar month, every manufacturer of smoking opium shall furnish to the collector of his district a true and complete abstract on Form 273, under oath, showing for the preceding calendar month: all opium in crude form and other materials purchased, and smoking opium and other material sold, with the names, addresses, and businesses of the persons from whom purchases and to whom

sales were made; the total quantity of opium suitable for smoking purposes, and the size of the packages and the number of packages of each size manufactured and removed tax paid; the number of packages of each size sold or transferred to each recipient; the value of stamps purchased and used.

ART. 13. Labeling and stamping of packages.—Each manufacturer of smoking opium shall mark each package of smoking opium before removal from the factory in accordance with the following requirements:

(a) There shall be printed, indented, branded, or marked on the package, the number of the factory, the number of the district, the name of the State, and the net weight of the opium contained in the package.

(b) There shall be affixed securely to the package a label on which shall be printed in plain, open, legible letters, the number of the manufactory, the district and State, and a caution notice in the following form:

Factory No. _____ District _____

NOTICE.—The manufacturer of this prepared smoking opium has complied with all the requirements of law. Every person is cautioned under penalties of the law not to use this package for smoking opium again.

The label on which the above notice is to be printed shall be not less than two inches long and one inch wide. If the notice is printed on the box, it shall cover a space of two square inches. No part of this space shall be occupied by ornamentation or by any other words than those above mentioned. This label shall not be covered or concealed by any other label or mark, nor by the stamp.

(c) There shall be affixed to each package a single stamp of the proper denomination to cover the amount of tax actually due on the smoking opium. The stamp shall be affixed in a permanent manner so that on opening the package the stamp will be broken in two places. The stamp shall be cancelled by the manufacturer by writing or imprinting thereon in red ink in a legible and durable manner his factory number, the number of the district, the name of the State, and the date of cancellation.

ART. 14. Forfeiture of smoking opium.—Collectors shall seize forthwith all opium prepared for smoking, wherever found, without proper stamps, and destroy same summarily without judicial proceedings or procedure, but a sufficient quantity shall be retained for use as evidence.

ART. 15. Penalty.—Any person who violates or fails to comply with any provision of this Act or these regulations shall be liable to a fine of not less than \$10,000 or to imprisonment for not less than five years, or both, in the discretion of the court.

ART. 16. Effective date.—These regulations shall take effect June 1, 1938, and shall supersede all regulations heretofore made and promulgated.

ART. 17. Promulgation of regulations.—In pursuance of Section 2 of the Act of January 17, 1914, the foregoing regulations are hereby made and promulgated.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.
GUY T. HELVERING,
Commissioner of Internal Revenue.
Approved, June 1, 1938.

WAYNE C. TAYLOR,
Acting Secretary of the
Treasury.

[F. R. Doc. 38-1663; Filed, June 10, 1938;
4:18 p. m.]

TITLE 22—FOREIGN RELATIONS

[Departmental Order No. 749]

ORDER BY THE SECRETARY OF STATE REGARDING PASSPORTS AND APPLICATIONS FOR PASSPORTS

SECTION I. PREVIOUS RULES AND REGULATIONS

1. All previous departmental rules and regulations relating to the subject of this Order are hereby revoked.

SECTION II. PASSPORT AGENTS OF THE DEPARTMENT OF STATE

2. Agents of the Department of State authorized to take applications for passports and perform passport services in the United States are stationed at New York, Boston, Chicago, San Francisco and in the Department of State at Washington.

SECTION III. BLANK FORMS OF APPLICATIONS FOR PASSPORTS

3. Blank forms of applications for use in applying for passports will be furnished, on request, without charge, by the Department of State to persons who wish to apply for passports.

4. Passport agents of the Department of State and clerks of courts authorized to take passport applications should, upon request, be supplied with the necessary blank forms of application for passports.

SECTION IV. TRANSMISSION OF APPLICATIONS EXECUTED IN THE UNITED STATES

5. Applications after being properly prepared and executed should be sent by registered mail directly to the Passport Division, Department of State, Washington, D. C., by the passport agents or by the clerks of courts before whom they are executed.

6. An applicant who so requests may have his application transmitted to this Department at his own risk by special delivery or air mail. For this purpose he must furnish the passport agent or clerk of the court taking the application with a special delivery stamp or sufficient air mail stamps.

7. If there is a valid reason for immediate action upon any application, a

brief statement to that effect by the officer before whom the application is executed may be endorsed on the face of the application.

SECTION V. TRANSMISSION OF PASSPORTS TO APPLICANTS THEREFOR

8. As a rule a passport will be forwarded to the applicant by registered mail, directed to the address given in the application, except that a passport will not be forwarded to a hotel unless the hotel is the applicant's place of permanent residence, which fact should be set forth in a supplementary statement, or unless the applicant sets forth in a supplementary statement a reason for sending the passport to a hotel other than that in which he may reside, making it clear that it is unlikely that if the passport is sent to the hotel named it would be lost. In such an exceptional case the passport will be forwarded at the risk of the applicant.

9. On the request of the applicant, a passport which has been issued, or a passport which has been submitted for amendment or extension, will be forwarded to the applicant by special delivery or air mail at the applicant's risk, provided there is attached to the application sufficient special delivery or air mail stamps. If the applicant desires the passport forwarded by air mail a registry stamp should also be forwarded. If stamps are not enclosed when it is desired that the passport be forwarded by air mail or special delivery, a separate money order should be enclosed covering postage. The cost of postage should not be included in the money order covering the passport or renewal fee.

SECTION IV. SURRENDER OF OLD PASSPORTS

10. An applicant for a new passport who holds an expired or an unexpired passport issued on or after January 3, 1918, should submit the old passport to the official before whom he executes his application for a new passport.

11. Old passports submitted to clerks of courts by native citizens may be canceled by cutting off with scissors about one inch of the lower outer corners of both covers and all the pages of the passport.

12. A notation of the cancellation, giving the date, number, and place of issue of the canceled passport, should be made on the margin of the new application.

13. An old passport held by a person who claims citizenship through naturalization should be attached to the application for a new passport and forwarded to the Department for cancellation.

14. If the applicant for a new passport is unable to present for cancellation or surrender a previous passport, issued since January 2, 1918, which has expired, he should state in his application the disposition of the passport. If the previous passport is still valid, the applicant should submit a separate statement, under oath, setting forth

in circumstantial detail the disposition of the passport.

SECTION VII. PERIOD OF VALIDITY OF PASSPORTS AND THE RENEWAL AND EXTENSION THEREOF

15. Section 2 of the Act of May 16, 1932, (U. S. C., title 22, sec. 217a) provides in part as follows:

Sec. 2. That the validity of a passport, * * * shall be limited to a period of two years: *Provided*, That a passport may be renewed under regulations prescribed by the Secretary of State for a period, not to exceed two years, upon payment of a fee of \$5 for such renewal, but the final date of expiration shall not be more than four years from the original date of issue: *Provided further*, That the Secretary of State may limit the validity of a passport, * * * or the period of renewal of a passport to less than two years: *Provided further*, That the charge for the issue of an original passport shall be \$9.

16. Hereafter passports will be issued valid for a period of two years from the date of their issue. They may, however, be restricted in validity to a period of less than two years from the date of issue. A passport which has been restricted for a period of less than two years shall not be extended by a passport agent, the chief executive of one of the outlying possessions of the United States, the United States High Commissioner to the Philippine Islands, or by an American diplomatic or consular officer of the United States except upon the express authorization of the Department of State.

17. A passport which was issued within the period of four years prior to application for renewal may be renewed but in any case where a person fails to apply for renewal of his passport prior to or immediately after the expiration of the original period of validity of his passport, his passport, when renewed, shall not extend beyond a period of four years from the original date of issue. The validity of the renewal of a passport may be restricted to a period of less than two years and a passport so limited may not be extended except upon the express authorization of the Department of State.

18. The fee for the renewal of a passport is \$5.00.

19. No fee shall be collected for the extension of a passport to make it valid for a period of two years from the date of issue where it was originally issued valid for a period of less than two years. No fee shall be collected for the extension of a passport which has been renewed to make it valid for more than two but less than four years from the date of issue.

20. When an application is made for a passport to include a minor child who will attain majority before the expiration of the period of two years from the date of issue, the passport shall be limited in validity to the date upon which such child will attain majority. An exception may be made to this rule when the child will attain majority within a period not exceeding three months prior to the date of expiration of the two-year period.

The two preceding sentences shall be applicable to a case where application is made for the renewal of a passport which includes a minor child who will attain majority before four years from the date of the original issue of the passport.

21. Passports having a remaining validity of more than six months should not be renewed unless special circumstances warrant exceptional procedure.

22. Requests for renewal may be made by personal application or letter addressed to the Department of State or a passport agent of the Department of State.

23. Each request for renewal should be accompanied by the passport desired to be renewed.

24. A person in the United States who has been issued a passport the original period of validity of which was restricted to less than two years from the date of issue or whose passport when renewed beyond the original period of two years was restricted to less than four years from the date of issue and who desires to apply for an extension of the validity of such passport to the two or four-year period, as the case may be, should communicate with the Department of State, unless he resides in a place where there is an agent of the Department of State, in which case the application for extension may be forwarded through such agent.

25. An applicant for the renewal or extension of his passport may be required to submit satisfactory documentary evidence of the necessity and purpose of his journey abroad.

SECTION VIII. CLERKS OF COURTS AUTHORIZED TO RETAIN \$1 FEE FOR THE EXECUTION OF PASSPORT APPLICATIONS

26. Section 1 of the Act of June 4, 1920 (41 Stat. 750; U. S. Code, title 22, sec. 214), reads in part as follows:

That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of \$1 for executing an application for a passport.

27. Clerks of courts other than Federal courts, who are authorized to take applications for passports, are hereby authorized to retain a fee of \$1 for executing each application for a passport. They may not charge nor retain more than that amount for executing an application for a passport. This regulation does not in any manner restrict the right of any State to make laws or regulations concerning the disposition of fees retained by clerks of State courts for executing applications for passports.

SECTION IX. RETURN OF PASSPORT FEES

28. Section 4 of the Act of June 4, 1920 (41 Stat. 751; U. S. Code, title 22, sec. 216), reads in part as follows:

Whenever the appropriate officer within the United States of any foreign country refuses to visé a passport issued by the United States, the Department of State is hereby authorized upon request in writing and the

return of the unused passport within six months from the date of issue to refund to the person to whom the passport was issued the fees which have been paid to Federal officials, and the money for that purpose is hereby appropriated and directed to be paid upon the order of the Secretary of State.

29. A person who desires to have the fee or fees paid to a Federal official or officials for a passport returned to him because of his inability to secure the necessary visa must return his unused passport to the Department of State within six months from the date of issue of the passport and submit therewith a signed request for refund. The request must contain a statement to the effect that he has applied for a visa and that the visa has been refused, and should state the reasons, if any, assigned for the refusal of the visa. If such person has received a statement in writing from a foreign official refusing to visa his passport, the statement should be submitted to this Department as evidence of the refusal of the visa.

30. Section 3 of the Act of July 3, 1926 (44 Stat. 887; U. S. Code, title 22, sec. 214a), provides in part as follows:

That whenever a fee is erroneously charged and paid for the issue of a passport to a person who is exempted from the payment of such a fee by Section 1 of "An Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921", approved June 4, 1920 (Forty-first Statutes, page 750), the Department of State is hereby authorized to refund to the person who paid such fee the amount thereof, and the money for that purpose is hereby authorized to be appropriated.

When a fee has been erroneously collected from any person who is exempted from the payment of the fee for the issue of a passport, he or she may submit the matter in writing to the Department of State and at the same time submit such evidence as is required by the Rules Governing the Granting and Issuing of Passports in the United States to show that he or she is exempted from the payment of such fee.

SECTION X. INQUIRIES CONCERNING APPLICATIONS SUBMITTED

31. The Department of State will act upon applications as promptly as possible after their receipt. Inquiry concerning applications should be made only in cases of emergency, since the time consumed in responding to such inquiries necessarily retards the examination of applications. However, in such emergency cases inquiry should be made directly to the Department of State by the applicant.

32. Application should be submitted sufficiently far in advance of the date upon which a passport is required to permit the Department to communicate, when necessary, with the applicant or other persons concerning the citizenship of the applicant or with respect to any defects which may appear in the application or any further information concerning the applicant which the Department may deem necessary.

33. Communications should be addressed to the Department of State,

Passport Division, Washington, D. C. Each communication should give the post office address of the person to whom the answer is to be directed.

SECTION XI. INFORMATION PRESCRIBED IN PASSPORT APPLICATIONS

34. Application for passports should be made on the most recent form or forms prepared by the Department of State and should contain complete information called for in such form or forms.

[SEAL] CORDELL HULL,
Secretary of State.

March 31, 1938.

[F. R. Doc. 38-1667; Filed, June 11, 1938;
12:36 p. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

REGULATIONS FOR LOANS FROM THE UNITED STATES TO INDIVIDUAL INDIANS

The following regulations promulgated pursuant to Section 9 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) shall govern loans by the United States to individual Indians in Oklahoma.

Definitions.—Except as otherwise indicated "Secretary" refers to the Secretary of the Interior; "Commissioner" to the Commissioner of Indian Affairs; "superintendent" to the superintendent of the jurisdiction where the borrower resides, or under whom he has been placed for administrative purposes in connection with credit operations; "credit agent" to the credit agent in charge of loans under the Act of Oklahoma or his duly authorized associate; "loan agreement" collectively to the application, securing documents, and all other papers submitted in connection with the application.

1. Eligibility.—To be eligible for a loan, an individual must be domiciled in and a resident of Oklahoma and (a) an Indian as determined by the official tribal rolls, or (b) an Indian descendant of such an enrolled member, or (c) an Indian as defined in the Indian Reorganization Act (Act of June 18, 1934; 48 Stat. 984); (Said Act states: "The term 'Indian' as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members, who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood."); provided that in a case where the individual is not an enrolled member of a tribe, he must further be a resident of an Indian agricultural community.

The credit agent shall have authority to approve all loans, except that without specific authority from the Commissioner of Indian Affairs a loan shall not be made to an Indian who is: (a) a

minor; (b) a regular employee of the Government; (c) married to and living with a person already a borrower, unless their loans are consolidated; (d) an Indian woman married to a white man; (e) under guardianship other than that of the United States, or (f) any individual who has funds sufficient to finance the approved plans, or (g) who will have an aggregate indebtedness in excess of one thousand dollars.

2. General loan policies.—The granting or refusal of the loan and the amount thereof shall be governed by the nature and extent of the enterprise to be financed, its prospects of success and assurance that the loan will be repaid, the equipment and funds otherwise available for execution of the plan, the extent to which the enterprise will promote a permanent improvement in the applicant's economic condition, the character and past performance of the applicant, both generally and in the particular work involved in the enterprise, and the amount and kind of security offered. An Indian who is a member of an incorporated tribe, or who resides in the territory of an Indian credit association must show that his application to such tribe or association has been rejected before an application hereunder will be accepted.

3. Purpose.—Loans may be granted for any income producing purpose except the purchase of land, unless it is a site necessary in the applicant's occupation. Preference shall be given to agricultural enterprises and to enterprises lying within or adjacent to Indian agricultural communities.

4. Plan.—The applicant shall submit a plan for the use of the money, which shall be set forth fully and specifically. It shall indicate that the applicant will carry on the enterprise personally, reap the benefits, and sustain the losses thereof. If the borrower finds it necessary or desirable to make changes in his plan, he may do so, provided such changes are first approved by the superintendent and do not involve an increase in the amount of the loan.

5. Size of loans.—No loan shall be granted for less than \$25.

6. Maturity.—Loans shall be made for the shortest period consistent with the purpose thereof and the ability of the borrower to repay. Crop loans shall be made for no longer than one year and livestock and machinery loans for no longer than six years.

7. Interest.—Interest shall be paid annually to the United States on all loans hereunder at the rate of three percent per annum.

8. Security.—All possible security shall be given up to an adequate amount. It may consist of the assignment of income, mortgages on property owned wholly or in part by the borrower, or other suitable collateral.

(a) **Filing.**—The securing instruments covering trust property shall be filed in the Agency Office. Instruments covering nontrust property shall be filed, regis-

tered, or recorded in accordance with Oklahoma law at the borrower's expense, in such a way as to fully protect the interests of the United States therein.

(b) **Nonagricultural enterprises.**—Generally, greater security will be required on loans for nonagricultural enterprises and full security will be required on loans for nonagricultural enterprises not in or adjacent to Indian communities.

(c) **Joint loans.**—In the case of a loan to a married person, if his or her spouse is an Indian, the application must be made jointly by both parties. If the spouse is not an Indian, he or she should not sign the application, but may be required to endorse securing documents.

(d) **Mortgages on trust and restricted real estate.**—Trust and restricted real estate may not be mortgaged to the United States as security for a loan. Liens on crops raised on such land, assignments of income therefrom, or other types of security not involving a transfer of the title to the land may be taken. Mortgages may be taken on non-trust or unrestricted real estate.

9. Other indebtedness.—Applicants must make acceptable plans for the payment or release of any debts or outstanding liens upon their property.

10. Signatures by mark.—Signatures by mark shall be witnessed by two witnesses, one of whom shall write in the name of the person who cannot write, near the mark. Post office addresses of both witnesses must be shown, and they must actually see the mark made. Both witnesses must be disinterested parties to the loan agreement.

11. Procedure.—The application for a loan shall be submitted to the superintendent in quintuplicate on a form prescribed by the Secretary. The form must be completely filled out, and the applicant must agree to the various provisions thereof. Accompanying the application shall be one copy of a detailed financial statement and operating plan on a form approved by the Secretary, and three unexecuted copies of all securing instruments, including a note for the amount of the first advance as set forth in the application.

(a) **Action of the superintendent.**—The superintendent shall make his recommendations in triplicate on a form approved by the Secretary. One copy of his recommendations shall be retained by him, and two copies submitted to the credit agent, together with all copies of the application, a financial statement and operating plan, and securing documents. This procedure shall be followed whether or not the superintendent approves the application.

(b) **Action of the credit agent.**—The credit agent shall review and analyze the application, and if the loan does not require specific authority from the Commissioner as set forth in Section 1, he shall, in his discretion, grant the loan in whole or in part by issuing a commitment order in quintuplicate. He shall

attach the financial statement and operating plan, and three copies of the securing instruments, including note, to the application, which shall be returned to the applicant through the superintendent. He shall also issue appropriate instructions and explanations regarding any changes or modifications which have been incorporated into the commitment order. The recommendations of the superintendent shall not be returned to the applicant. The credit agent shall place one copy of the same in his files, and the other shall be transmitted to the Commissioner with his copy of the application as set forth in Section 11 (e).

If the loan requires specific authority from the Commissioner, one copy of the application shall be submitted to the Commissioner with a copy of the recommendations of the superintendent, and a request from the credit agent for authority to issue the commitment order. The Commissioner shall prepare five copies of a letter indicating either his approval or disapproval of such request, and submit the same to the credit agent with the application and recommendations of the superintendent. The credit agent shall attach one copy of the Commissioner's letter to each copy of the application, and follow the same procedure as in the case of loans which do not require specific authority from the Commissioner. If the loan is not approved, the procedure as set forth in Section 11 (d) shall be followed.

(c) *Acceptance of commitment order by borrower.*—The applicant must accept the commitment order within thirty days from the date thereof, and it may be withdrawn at any time before acceptance. He shall retain the fourth copy and submit the original and three copies of the application together with the financial statement and operating plan to the superintendent. He shall also execute the original copy of the securing documents, including note, and submit it with one copy to the superintendent.

(d) *Action of superintendent upon borrower's compliance with section 11 (c).*—Upon return of the original executed securing documents, the superintendent shall have all such documents covering nontrust property filed, registered, or recorded as required under Section 8 (a). The original, or a certified copy of the original of such securing documents, showing the same to have been properly filed, registered, or recorded, shall be placed in a place of safekeeping in the Agency Office. The originals of all securing instruments covering trust property shall likewise be placed in a place of safekeeping in the Agency Office. An appropriate contract number shall be given to each loan agreement, as well as a number preceded by "CF". The latter numbers shall follow consecutively.

(e) *Disposition of copies of the loan agreement.*—The original copy of the

loan agreement shall be submitted as outlined in Section 11 (f). The first copy, including the original detailed financial statement and operating plan, and securing documents, including note, as set forth in Section 11 (d) shall be retained in the Agency Office. The remaining two copies of the application shall be submitted to the credit agent. He shall retain one copy for his files, and submit one copy, together with a copy of the superintendent's recommendations, as outlined in Section 11 (b) to the Commissioner.

(f) *Disbursements of funds.*—No disbursement of funds shall be made until the various copies of the loan agreement have been completed and distributed, and the superintendent has the documents in his files as outlined in Sections 11 (d) and (e). The borrower shall submit a voucher made out in his favor on form 5-809 to the superintendent for an amount in accordance with the terms of the loan agreement. The original application, with a copy of the securing documents, including note, and a copy of the credit agent's recommendations shall accompany the voucher to the Regional Disbursing Office, which will issue an official check in favor of the borrower for the amount of the advance authorized by the approved loan agreement. When the check is received, it should be endorsed by the borrower and deposited, immediately, to the credit of the borrower in his Individual Indian Money Account. The date of the check should be entered on the back of the note previously executed by the borrower, and interest should commence as of the date of the check. Disbursements from the borrower's Individual Indian Money Account shall be in the form of cash or purchase orders as the superintendent may determine. Subsequent advances, if any are provided for in the loan agreement, shall be made by attaching a copy of subsequently executed notes (the originals of which shall be filed at the Agency Office) to an executed voucher, which should be identified by date, number, and amount. Interest should be figured as in the case of the original advance.

(g) *Collections.*—When collections are made, the superintendent should issue an official receipt and take the amount into his appropriation ledger under "Sundry Receipts". The remittance should then be scheduled as a repayment to the original fund from which the loan was made and deposited to the credit of the United States. Collections on loans shall be credited first to interest, which must be shown as a separate item on the receipt. Sufficient information shall be given to show clearly the loan and fund to which each collection applies. The total amount of the receipt, and the amount applied to principal and interest, should be posted in the proper columns of the ledger, to the

correct account, and on the back of the appropriate note.

(h) *Reports.*—Reports from borrowers shall be made in accordance with instructions of the Commissioner, or credit agent.

(i) *Disapproved applications.*—If the credit agent does not approve the loan by issuing a commitment order as outlined in Section 11 (b), he shall indicate the reasons for his disapproval on a form approved by the Secretary of the Interior and attach a copy to each copy of the application. He shall retain one copy of the application, his disapproval, and of the superintendent's recommendations. He shall send one copy of each of these documents to the Commissioner, and return all other papers to the superintendent. The superintendent shall retain one copy of the application, the unexecuted securing instruments, including note, the financial statement and operating plan, the credit agent's disapproval, and return the remaining papers to the applicant. The applicant will thus receive two copies of his disapproved application, unexecuted securing documents, including note, and the credit agent's disapproval. In the event the application required specific authority from the Commissioner of Indian Affairs, each copy of the application will have attached to it a copy of the Commissioner's letter of disapproval as outlined in Section 12 (b).

Summary of loan agreement papers to be placed in files of—

Borrower:

Fourth copy of application.

Second copy of securing instruments and note.

Agency office:

First copy of application.

Original copy of superintendent's recommendations.

Original copy of securing instruments and notes.

Original copy of financial statement and operating plan.

General accounting office:

Original copy of application.

First copy of securing instruments and notes.

Credit agent:

Second copy of application.

First copy of superintendent's recommendations.

Indian office:

Third copy of application.

Second copy of superintendent's recommendations.

NOTE.—In the case of applications requiring specific approval from the Commissioner as outlined in Section 1, each file will also contain a copy of the Commissioner's approval or, except in the case of the General Accounting Office, of his disapproval. In the case of disapproved applications, the files of the superintendent, credit agent, Indian Office, and applicant will also contain a copy

of the credit agent's disapproval. No copies will be supplied the General Accounting Office, and the applicant will have returned to him all copies intended for that Office. The securing instruments, note, and commitment order in all files will be unexecuted.

JOHN COLLIER,
Commissioner.

Approved, May 27, 1938.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 38-1686; Filed, June 11, 1938;
9:49 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

NOTICE TO I. M. BEASLEY, DOING BUSINESS
AS JACKSON LIVESTOCK COMMISSION
COMPANY, JACKSON, MISS.

JUNE 11, 1938.

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

And, whereas the stockyard of the Jackson Livestock Commission Company, at Jackson, Mississippi, was posted on the 26th day of January, 1938,¹ as coming within the foregoing definition:

And, whereas after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard of the Jackson Livestock Commission Company is no longer operated as a public stockyard subject to the provisions of said Act:

Now, therefore, notice is hereby given that the stockyard of the Jackson Livestock Commission Company, at Jackson, Mississippi, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.
[F. R. Doc. 38-1677; Filed, June 13, 1938;
12:39 p. m.]

Commodity Exchange Commission.

[Hearing Docket C. E. A. No. 3]

NOTICE OF PROPOSED ORDER IN THE MATTER OF LIMITS ON POSITION AND DAILY TRADING IN GRAIN FOR FUTURE DELIVERY

Notice is hereby given that the following proposed findings of fact, conclusions and order have been submitted to the Commodity Exchange Commission. Before they are considered, any interested party may taken exceptions to matters set out therein by transmitting his exceptions, with brief statements concerning each of them, to the Secretary of Agriculture, Chairman of the Commodity Exchange Commission, in quadruplicate, on or before July 10, 1938. Exceptions to findings of fact should refer to that part of the record upon which the exceptions are based.

Dated at Washington, D. C., this 13th day of June, 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture,
Chairman of Commodity
Exchange Commission.

NOTE.—As used herein, the word "grain" includes wheat, corn, oats, barley, rye, and flaxseed, and the word "person" includes individuals, associations, partnerships, corporations, and trusts.

FINDINGS OF FACT

Pursuant to the provisions of Section 4a of the Commodity Exchange Act (U. S. C., 1934 ed. and Supp. III, title 7, sec. 6a), the Commodity Exchange Commission, after full consideration of the record made at a public hearing held in Chicago, Illinois, beginning December 1, 1937, of which due public notice had been given,¹ and at which all persons were given opportunity to hear, present, refute, and comment upon evidence in the premises, does hereby find the following:

A. Except as otherwise stated herein, trading in any one grain for future delivery on a contract market, by a person who holds or controls a speculative net position of more than 2,000,000 bushels, long or short, in any one future or in all futures combined, in such grain on such contract market, tends to cause sudden and unreasonable fluctuations and changes in the price of such grain not warranted by changes in the conditions of supply or demand, and is not needed to maintain the liquidity of such contract

market or to facilitate hedging thereon. It is a matter of common knowledge in the grain trade that such trading during the delivery month of a future has a greater effect on price fluctuations than at any other time during the life of a future, and therefore such trading by a person having a much smaller speculative net position during the delivery month of any future may have the same effect as trading by a person having a 2,000,000 bushel net position at any other time during the life of the future.

B. The fluctuations and changes in prices mentioned in paragraph A hereof are likely to be less, except during the delivery month of a future, if the long or short position of such person consists of spreads in any one grain, between markets or between futures.

C. Trading in any one grain for future delivery by a person who assumes a total long position in such grain, all futures on all markets combined, not in excess of his reasonably anticipated requirements of the cash grain for manufacturing or processing during the following six months, and who liquidates such position gradually as he obtains the cash grain, does not, except during the delivery month of any future, cause sudden or unreasonable fluctuations or changes in the price of such grain not warranted by changes in the conditions of supply or demand.

D. Except as otherwise stated herein, speculative buying or speculative selling by any person during one business day of more than 2,000,000 bushels in any one future, or in all futures combined of any one grain on any one contract market, tends to cause sudden and unreasonable fluctuations and changes in the price of such grain not warranted by changes in the conditions of supply or demand, and is not needed to maintain the liquidity of such contract market or to facilitate hedging thereon. It is a matter of common knowledge in the grain trade that such speculative buying or speculative selling by any person during the delivery month of a future has a greater effect on prices than at any other time during the life of a future, and therefore much smaller daily speculative purchases or sales during the delivery month of any future may have the same effect as speculative buying or speculative selling by any person during one business day of more than 2,000,000 bushels in any one future at any other time during the life of the future.

E. The fluctuations and changes in prices mentioned in paragraph D hereof are likely to be less, except during the delivery month of a future, if the buying or selling of such person consists of spreads in any one grain between markets, or between futures.

F. Speculative buying and speculative selling for future delivery by a person whose purchases and sales during the same business day substantially offset each other cause less fluctuations and changes in price, except during the de-

¹ 3 F. R. 103 (DI).

² 2 F. R. 2859 (DI).

livery month of a future, than the buying and selling mentioned in paragraph D hereof.

CONCLUSIONS

Upon the foregoing facts, it is concluded that in order to diminish, eliminate or prevent the undue burden of excessive speculation in grain futures which causes unwarranted price changes, it is necessary to establish limits on the amount of trading, under contracts of sale of grain for future delivery on contract markets, which may be done by any one person; that 2,000,000 bushels is a reasonable limitation on the net long or net short position which any person may hold or control and upon the daily purchases or sales which any person may make, in any one grain on any one contract market, in any one future or all futures combined; that a lower limitation should be fixed for a future during the delivery month thereof and 1,000,000 bushels is a reasonable limitation for a future during the delivery month thereof; that a higher limitation should be fixed for the net position and for purchases and sales if any part thereof represents spreading in the same grain between markets or between futures and 3,000,000 bushels is a reasonable limitation under such circumstances, but in no event should the increase over 2,000,000 bushels exceed the amount of the net position represented by spreading; that the limitation on trading by any person whose purchases and sales during any business day substantially offset each other should be higher and a limitation of 3,000,000 bushels on trading by any person whose net position does not change more than 200,000 bushels during any business day is reasonable; and that allowance should be made for the needs of manufacturers and processors to buy futures to insure the price of their reasonably anticipated requirements of cash grain.

ORDER

It is therefore ordered, That the following limits on the amount of trading under contracts of sale of grain for future delivery on or subject to the rules of contract markets which may be done by any person be, and they are hereby, proclaimed and fixed, to be in full force and effect on and after 1938:

Position Limits

1. The limit on the maximum net long or net short position which any one person may hold or control in any one grain on any one contract market, except as specifically authorized by paragraphs 2 and 3 hereof, is: 2,000,000 bushels in all futures combined, subject to a limitation of 2,000,000 bushels in any one future and a further limitation of 1,000,000 bushels in any one future during the delivery month for that future.

2. To the extent that the net position held or controlled by any one person in any one future and in all futures combined in any one grain on any one contract market is shown to represent spreading in the same grain between markets or between futures, the limit set forth in paragraph 1 hereof may be exceeded on such contract market, but in no case shall the excess result in a net position of more than 3,000,000 bushels in any one future and all futures combined, and in no event shall the limitation of 1,000,000 bushels for any one future during the delivery month for that future be exceeded.

3. If any person establishes, to the satisfaction of the Secretary of Agriculture, what his requirements of any one grain for manufacturing or processing are likely to be for a future period not exceeding six months, and that he liquidates his futures position gradually as he obtains the cash grain, the amount of his anticipated requirements, so established, when approved in writing by the Secretary of Agriculture, shall constitute the limit on the maximum total long position which may be held or controlled by such person in any one future and in all futures combined, in such grain, on all contract markets combined, but in no event shall the limitation of 1,000,000 bushels in any one future during the delivery month for that future be exceeded.

Daily Trading Limits

4. The limit on the maximum amount which any person may buy, and on the maximum amount which any person may sell, of any one grain on any one contract market during any one business day, except as specifically authorized by paragraphs 5 and 6 hereof, is: 2,000,000 bushels in all futures combined, subject to a limitation of 1,000,000 bushels in any one future during the delivery month for that future.

5. To the extent that purchases or sales of any one grain on any one contract market during any one business day made by any one person are shown to represent spreading or the closing of spreads in the same grain between markets or between futures, the limit set forth in paragraph 4 hereof may be exceeded on such contract market, but in no case shall the excess result in total purchases or total sales of more than 3,000,000 bushels and in no event shall the limitation of 1,000,000 bushels in any one future during the delivery month for that future be exceeded.

6. A person whose net position in any one future and in all futures combined, in any one grain on any one contract market, does not change more than 200,000 bushels during any business day, may, during such business day, on such contract market, exceed the limit set forth in paragraph 4 hereof, but in no case shall the excess result in total pur-

chases or total sales of more than 3,000,000 bushels and in no event shall the limitation of 1,000,000 bushels in any future during the delivery month for that future be exceeded.

[F. R. Doc. 39-1678; Filed, June 13, 1938; 12:39 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

IN THE MATTER OF INVESTIGATION OF POWER REQUIREMENTS FOR SHIP RADIO TRANSMITTERS

The Commission, en banc, at a meeting held May 31, 1938, designated the following matter for hearing before a Commissioner to be named by order of the Commission at a later date, and adopted the following Order:

The Commission having under consideration the protests of various shipping companies to the terms of paragraph 12 (c) of its Ship Radiotelegraph Safety Rules, and further having under consideration a definite proposal for modification of the said paragraph, which proposal is attached hereto and made a part hereof, and

It appearing, That the Commission may not at this time be in possession of all the information necessary to a satisfactory determination of the matters involved in paragraph 12 (c) of the said rules.

It is ordered, That the Commission, upon its own motion, enter into an investigation of the facts, circumstances and conditions affecting the determination of power required for ship transmitters in order to comply with the terms of treaty and statute.

It is further ordered, That any person who desires to present evidence bearing on this rule at any hearing which may be had in this matter shall file notice of intention thereof at least ten days in advance of the date set for such hearing.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

PROPOSED MODIFICATIONS OF PARAGRAPH 12 OF THE SHIP RADIOTELEGRAPH SAFETY RULES

Change paragraph 12 (c) (3) to read as follows, adding new sections (4), (5), (6) and (7), and renumbering remaining sections.

12 (c) (3) A main transmitter which has been continuously installed aboard a subject vessel since (date of proposed action by Commission), but is not capable of developing the power specified in 12 (c) 1 or 2 hereof, is approved for further use in compliance with paragraph 12 (b) of these rules, provided (a) the transmitter is capable of developing at least 50 watts power, type A-2 emis-

¹ 3 F. R. 281 (Dr.).

sion, into the average ship station antenna circuit, or at least 100 watts power into the plate circuit of the oscillator or amplifier supplying power for A-2 emission to the antenna circuit; or (b) is capable of developing type B emission with an input into the power transformer of at least 500 watts when the transmitter is supplying power for B emission to an average ship station antenna circuit with proper coupling thereto.

12 (c) (4) The use of main transmitters in compliance with paragraph 12 (b) of these rules, subject to the conditions specified in 12 (c) (3) hereof, may be continued only under the following conditions and limitations:

(a) For passenger vessels having transmitters which can be modified to conform to full requirements, except as provided in 12 (c) (5) hereof, until not later than October 1, 1938.

(b) For passenger vessels having transmitters which must be replaced, except as provided in 12 (c) (5) hereof, until not later than January 1, 1939.

(c) For cargo vessels having transmitters which can be modified to conform to full requirements, except as provided in 12 (c) (5) hereof, until March 1, 1939.

(d) For cargo vessels having transmitters which must be replaced, except as provided in 12 (c) (5) hereof, until January 1, 1940.

(e) No increase in power beyond that specified in 12 (c) (3) hereof shall be required (1) for dry cargo vessels launched prior to January 1, 1922, or (2) for tank vessels launched prior to January 1, 1925.

12 (c) (5) Notwithstanding any other requirements of 12 (c) (3) and (4) hereof, an increase of power shall not be required beyond that specified in 12 (c) (3) for (a) cargo vessels navigating exclusively along the Atlantic and Pacific coasts 100 miles or less offshore, or (b) passenger vessels navigating exclusively along the Atlantic and Pacific coasts 20 miles or less offshore that are on (date of this order) equipped with transmitters capable of developing at least 100 watts power, Type A-2 emission, into the average ship station antenna circuit, or at least 200 watts power into the plate circuit of the oscillator or amplifier supplying power for A-2 emission to the antenna circuit; provided that neither such cargo nor passenger vessels operate south of 25 degrees North Latitude.

12 (c) (6) Where two or more tube transmitters are a part of the radio installation aboard a vessel, one or more of these shall not be removed for the primary purpose of operating the remaining transmitter(s) under the exceptions of this rule.

12 (c) (7) Where the provisions of this rule require the installation of new equipment or the modification of existing equipment on board vessels when such vessels are about to be replaced or retired within a reasonable time, the Commission may, upon appropriate ap-

plication, authorize the continuance of existing equipment or the use of such other equipment as in the circumstances may seem proper to the Commission. Where the specific conditions and limitations prescribed by this rule with respect to the periods of time during which the use of existing radio transmitter equipment may be continued, and with respect to the classes of vessels which are authorized to continue to use such equipment, any owner or operator affected, who believes that these requirements are unjust or impracticable, may request appropriate relief from the Commission in a written application stating the reasons therefor; and nothing herein contained shall affect the right of any owner or operator to any other exemptions to which the Commission may find them entitled in accordance with law.

[F. R. Doc. 38-1670; Filed, June 13, 1938; 9:50 a. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 261]

AMENDMENT OF PRIOR ALLOCATIONS OF FUNDS FOR LOANS

JUNE 9, 1938.

I hereby amend Administrative Order No. 128¹ by rescinding the \$155,000 allotted to Kentucky 8031B Union.

I hereby amend Administrative Order No. 128¹ by rescinding the \$9,500 allotted to Mississippi 8001D Monroe.

I hereby amend Administrative Order No. 241² by rescinding the \$12,000 allotted to Nebraska 8053A2 Buffalo.

I hereby amend Administrative Order No. 179³ by reducing the allocation to New Jersey 8004W Monmouth from \$25,000 to \$12,500.

I hereby amend Administrative Order No. 170⁴ by rescinding the \$35,000 allotted to Pennsylvania 8004C Crawford.

I hereby amend Administrative Order No. 183⁵ by rescinding the \$36,000 allotted to Virginia 8020B1 Prince Williams.

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-1664; Filed, June 11, 1938; 9:49 a. m.]

[Administrative Order No. 262]

ALLOCATION OF FUNDS FOR LOANS

JUNE 9, 1938.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

- ¹2 F. R. 2091 (DI).
- ³3 F. R. 965 (DI).
- ⁴3 F. R. 35 (DI).
- ⁵2 F. R. 3197 (DI).
- ⁶3 F. R. 305 (DI).

Project designation	Amount
Georgia 8075W1 Lamar	\$5,000
Illinois 8029W1 Shelby	5,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-1665; Filed, June 11, 1938; 9:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of June, A. D. 1938.

[File No. 31-396]

IN THE MATTER OF INTERLAKE IRON CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (3) (A) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 28, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 23, 1938.

The matter concerned herewith is in regard to the question of the status of Interlake Iron Corporation as an electric utility company as that term is defined in Section 2 (a) (3) (A) of the aforesaid Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1673; Filed, June 13, 1938; 12:26 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of June, A. D. 1938.

[File No. 43-124]

IN THE MATTER OF THE ASSOCIATED CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party:

It is ordered, That a hearing on such matter be held on June 30, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 25, 1938.

The matter concerned herewith is in regard to the filing of a declaration by The Associated Corporation to issue a promissory note or notes containing the

best obtainable terms with respect to interest (not to exceed 6%), maturity and collateral security to be issued on or before July 11, 1938, in an aggregate amount not to exceed \$1,000,000. The note or notes are to be issued by declarant to refund its now outstanding 5% promissory note, dated February 25, 1938 and due July 11, 1938, and secured by the pledge of \$7,000,000 National Public Service Corporation Secured Gold Debentures 5% series due 1978, and/or Certificate of Deposit therefor which securities are presently owned by New Jersey Utilities Company subject to said pledge. The declaration also states that the declarant proposes to refund the new note or notes from time to time, the maturity and refunding thereof, however, not to exceed in the aggregate, two years. The \$1,000,000 note to be refunded is stated to be payable to The Public National Bank and Trust Company of New York.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1674; Filed, June 13, 1938;
12:26 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of June, A. D. 1938.

[File No. 55-3]

IN THE MATTER OF PAUL V. SHIELDS, JOSEPH S. MAXWELL, CHARLTON B. HIBBARD, PROTECTIVE COMMITTEE FOR PREFERRED STOCKHOLDERS OF UTILITIES POWER & LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 11 (f) and Rule U-11F-2 on the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on June 30, 1938, at

10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 25, 1938.

The matter concerned herewith is in regard to an application of Paul V. Shields, Joseph S. Maxwell, and Charlton B. Hibbard, constituting a Protective Committee for the preferred stockholders of Utilities Power & Light Corporation (now in reorganization under Section 77B of the Bankruptcy Act, as amended, in the District Court of the United States for the Northern District of Illinois), requesting approval of an interim allowance for expenses incurred by the Protective Committee from February 4, 1937, to May 10, 1938, the maximum amount for which approval is asked being stated at \$11,234.30.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1675; Filed, June 13, 1938;
12:26 p. m.]

